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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,778	07/18/2000	James P. Murphy	JJ001	8792

7590 12/22/2004  
James P Murphy Esq  
6719 North Jean Avenue  
Chicago, IL 60646

EXAMINER
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NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/618,778

**Applicant(s)**

MURPHY ET AL.

**Examiner**

Andrew L Nalven

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-28 are pending.
2. Amendment submitted 14 June 2004 has been entered.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7-8, 14, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Guedalia US Patent No. 5,968,120.

Weyer discloses a means for adding educational enhancements to computer games.

Guedalia discloses a method for providing online interactivity over a server client network.

6. With regards to claims 1, 8, 14, 21, Weyer teaches a processor (Weyer, column 2 lines 1-3), a memory comprising instructions for execution by the processor (Weyer,

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column 2 lines 1-7), instructions for periodically presenting a set of working queries during execution of an entertainment application (Weyer, column 2 lines 20-23 and 50-54), instructions for accepting answers to the working queries (Weyer, column 3 lines 8-14), and allowing access to the entertainment software application based on the answers (Weyer, column 3 lines 14-21). Weyer fails to teach the obtaining of additional working queries from a working query server and adding the additional working queries to the database of working queries on the access control system. Guedalia teaches the obtaining of additional data from a data server and adding the additional data to the database in the access control system (Guedalia, column 5 lines 36-46, additional data is added to the local client database from the server computer). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Guedalia's method of adding additional data to a local database from a remote database with Weyer's educational game because it offers the advantage of allowing a client to automatically receive data necessary for a client application (Guedalia, column 2 lines 58-62).

7. With regards to claim 7, Weyer as modified teaches instructions for pausing the entertainment software package before presenting the set of working queries (Weyer, column 2 lines 50-53).

8. Claims 2-3, 9-10, 13, 16, 20, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Guedalia US Patent

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No. 5,968,120, as applied claims 1, 8, and 14 above, and in further view of Ho et al US Patent No. 5,743,746 (Ho(1)).

9. With regards to claims 2-3, 9-10, and 16, Weyer as modified above teaches a time period for allowing access to the entertainment software package (Weyer, column 2 lines 24-31), but fails to teach the time period for access to the entertainment software being derived from the answers or the time period increasing. Ho teaches an increasing reward based upon an increasing number of correct answers (Ho(1), column 12 lines 54-57) that may be placed toward the playing of a game (Ho(1), column 6 lines 50-58). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of increasing rewards because it offers the advantage of encouraging students to work harder and perform better in order to achieve the rewards (Ho(1), column 1 lines 19-39).

10. With regards to claim 13, Weyer as modified above fails to teach the identification of the user of the electronic amusement device. Ho teaches software instructions for identifying a current user wherein the set of working queries is based upon the user (Ho(1), column 9 line 60 – column 10 line 4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of user identification to specifically tailor questions because it offers the advantage of allowing questions to focus on the skill level of the user's age group (Ho(1), column 9 lines 65-67).

11. With regards to claim 20, Weyer as modified fails to teach instructions for accessing working query scoring and statistics data gathered on the working query

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server. Ho teaches instructions for accessing working query scoring and statistics data gathered on the working query server (Ho(1), column 13 lines 42-67). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of providing statistics with Weyer as modified because it offers the advantage of helping the instructor to be more aware of the strengths and weaknesses of the students (Ho(1), column 1 lines 51-63).

12. With regards to claim 22, Weyer as modified fails to teach the establishing of a supervisor hierarchy and controlling access to configuration options for the access control application based on the supervisor hierarchy. Ho teaches the establishing of a supervisor hierarchy and controlling access to configuration options for the access control application based on the supervisor hierarchy (Ho(1), column 5 lines 1-26, instructor is authenticated before having access to milestone setter). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of controlling access because it offers the advantage of only allowing authorized instructors or parents to set rewards for a student's achievement in an educational game (Ho(1), column 1 lines 51-63).

13. With regards to claim 23, Weyer as modified teaches the highest level of authority for a parent (Ho(1), column 5 lines 1-26, father) and a secondary level of authority for a child (Ho(1), column 13 lines 30-41).

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14. Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Guedalia US Patent No. 5,968,120, as applied claim 8 above, and in further view of Yuen et al US Patent No. 5,716,273.

15. With regards to claim 24, Weyer as modified fails to teach the obtaining of queries comprising purchasing queries. Yuen teaches the obtaining of queries comprising purchasing queries (Yuen, column 10 lines 5-20, pay for play). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Yuen's method of requiring purchasing of queries with Weyer as modified because it offers the advantage of ensuring the provider of the educational information of repeat business and continued revenues (Yuen, column 5 line 57 – column 6 line 3).

16. Claims 25 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Ho et al US Patent No. 5,743,746 (Ho(1)).

17. With regards to claim 25, Weyer teaches a storage medium (Weyer, column 2 lines 1-15), an access control application stored on the storage medium (Weyer, column 2 lines 15-23) with instructions for determining that an access control program is executing (Weyer, column 2 lines 32-40), presenting a working query in response to determining that an access control program is executing (Weyer, column 2 lines 32-54, displays question), accepting an answer to the working query (Weyer, column 3 lines 12-17), and determining whether to permit access to the access controlled program based on the answer (Weyer, column 3 lines 12-22, game allowed to continue). Weyer

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fails to teach the determining of scoring data based on the answer and accessing comparison working query scoring data gathered on a working query server. Ho teaches locally determining working query scoring data based on the answer (Ho(1), column 10 lines 5-13) and accessing comparison working query scoring data gathered on a working query server (Ho(1), column 13 lines 42-67). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of providing statistics with Weyer as modified because it offers the advantage of helping the instructor to be more aware of the strengths and weaknesses of the students (Ho(1), column 1 lines 51-63).

18. With regards to claim 27, Weyer as modified fails to teach the establishing of a supervisor hierarchy and controlling access to configuration options for the access control application based on the supervisor hierarchy. Ho teaches the establishing of a supervisor hierarchy and controlling access to configuration options for the access control application based on the supervisor hierarchy (Ho(1), column 5 lines 1-26, instructor is authenticated before having access to milestone setter). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of controlling access because it offers the advantage of only allowing authorized instructors or parents to set rewards for a student's achievement in an educational game (Ho(1), column 1 lines 51-63).

19. With regards to claim 28, Weyer as modified teaches the highest level of authority for a parent (Ho(1), column 5 lines 1-26, father) and a secondary level of authority for a child (Ho(1), column 13 lines 30-41).



20. Claims 4, 6, 11, 15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Guedalia US Patent No. 5,968,120 as applied to claims 1, 8, and 14 above, and further in view of Ho et al US Patent No. 5,743,743 (Ho (2)).

21. With regards to claims 4, 11, and 15, Weyer as modified above fails to teach instructions for monitoring a task list of applications to identify entertainment software. Ho teaches instructions for monitoring a task list of executing applications and identifying execution of entertainment software applications based on the task list (Ho (2), column 10 lines 5-67). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of monitoring task lists of executing applications with Weyer as modified because it offers the advantage of ensuring a student is not distracted by entertainment materials on a computer by forcing the student to focus on the student materials available (Ho (2), column 1 line 66 – column 2 line 2).

22. With regards to claim 6, Weyer as modified fails to teach custom queries. Ho teaches working queries including custom queries written by a local control system supervisor (Ho (2), column 3 lines 40-43). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of writing working queries because it offers the advantage of allowing the designation of study materials whose main purpose is to convey knowledge (Ho(2), column 3 lines 33-54).

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23. With regards to claim 17-18, Weyer as modified fails to teach the termination of the entertainment software package based on the answers. Ho teaches that success in answering questions is the only way to return to use of the entertainment software package (Ho(2), column 11 lines 40-53). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of terminating software due to incorrect answers with Weyer as modified because it offers the advantages of reinforcing the rewards for success and further limiting the possibility of distraction while studying (Ho (2), column 1 lines 36-59).

24. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572, Guedalia US Patent No. 5,968,120, Ho (2) et al US Patent No. 5,743,743, as applied to claim 18 above, and further in view of Ho (1) et al US Patent No. 5,743,746.

25. With regards to claim 19, Weyer as modified above fails to teach the identification of the user of the electronic amusement device. Ho teaches software instructions for identifying a current user wherein the set of working queries is based upon the user (Ho, column 9 line 60 – column 10 line 4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of user identification to specifically tailor questions because it offers the advantage of allowing questions to focus on the skill level of the user's age group (Ho, column 9 lines 65-67).

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26. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 and Ho (1) et al US Patent No. 5,743,746, as applied to claim 25 above, and further in view of Ho (2) et al US Patent No. 5,743,743.

27. With regards to claim 26, Weyer as modified fails to teach the termination of the entertainment software package based on the answers. Ho teaches that success in answering questions is the only way to return to use of the entertainment software package (Ho(2), column 11 lines 40-53). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of terminating software due to incorrect answers with Weyer as modified because it offers the advantages of reinforcing the rewards for success and further limiting the possibility of distraction while studying (Ho (2), column 1 lines 36-59).

### ***Allowable Subject Matter***

28. Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The cited prior art fails to teach or suggest the claimed limitation of establishing a supervisory hierarchy comprising a child authority level associated with child prepared queries and thus fails to anticipated or render obvious the cited claim.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

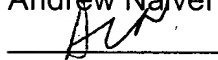
29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven



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